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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/784,137 | 02/20/2004 | Steven R. Atkins | FORRE 67592 | 5354 |

24201 7590 12/16/2005

FULWIDER PATTON
6060 CENTER DRIVE
10TH FLOOR
LOS ANGELES, CA 90045

EXAMINER

BRITTAIN, JAMES R

ART UNIT PAPER NUMBER

3677

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------|---------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/784,137 | ATKINS ET AL. | |
| | Examiner | Art Unit | |
| | James R. Brittain | 3677 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 13 and 18-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-17 and 22-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>01062005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election of Group II in the reply filed on October 24, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 13 and 18-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 24, 2005.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8-12, 15, and 22-25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Buffa (GB 2104952).

Buffa (figures 4-6) teaches a fitting inherently usable for securing a tether to a harness by securing the second part 11 to the tether and the first part including the stalk 12 capable of being secured to a harness wherein a plurality of locking members in the form of cylinders 16 in the first part can be received in recesses or apertures 15 in the second part. There is a locking element 22 biased by the springs 21 to urge each locking member 16 into a recess or aperture 15 when in the locking position but to allow each locking member to move out of the aperture or

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recess 15 when in the release position. The dependent claims are met as indicated in the statement of the rejection. The cylinders 16 move toward one another to lock.

Claims 1-12, 22, 23 and 28 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Schmidt (US 3188707).

Schmidt (figure 3) teaches a fitting inherently usable for securing a tether to a harness since each is secured to a strap wherein the first part includes a plurality of locking members in the form of balls 10 and the second part includes recesses or apertures 9. The tether is not given a function or claimed in combination as being different from a strap in the harness system used to hold a person in place. There is a locking element 14 biased by the spring 21 to urge the locking members 10 into a recess or aperture 9 when in the locking position but to allow each locking member to move out of the aperture or recess 9 when in the release position. The dependent claims are met as indicated in the statement of the rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buffa (GB 2104952).

Buffa (figures 4-6) teaches a fitting inherently usable for securing a tether to a harness by securing the second part 11 to the tether and the first part including the stalk 12 capable of being secured to a harness wherein a plurality of locking members in the form of cylinders 16 in the

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first part can be received in recesses or apertures 15 in the second part. There is a locking element 22 biased by the springs 21 to urge each locking member 16 into a recess or aperture 15 when in the locking position but to allow each locking member to move out of the aperture or recess 15 when in the release position. The difference is that there isn't a third cylinder. However, repeating a cylinder so as to add another lock that operates identically would have been obvious since it simply repeats the parts.

Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt (US 3188707) in view of Heidman, Jr. (US 2693980).

Schmidt (figure 3) teaches a fitting inherently usable for securing a tether to a harness since each is secured to a strap wherein the first part includes a plurality of locking members in the form of balls 10 and the second part includes recesses or apertures 9. The tether is not given a function or claimed in combination as being different from a strap in the harness system used to hold a person in place. There is a locking element 14 biased by the spring 21 to urge the locking members 10 into a recess or aperture 9 when in the locking position but to allow each locking member to move out of the aperture or recess 9 when in the release position. The difference is that the locking element 14 is pulled and not pushed by a button. It would have been obvious to modify the locking element of Schmidt so as to be pushed rather than pulled in view of Heidman, Jr. (figures 3, 4) teaching that it is convenient to utilize a pushed locking element 22 having a loop 20 thereon acting as a button so as to have a simpler structure that would be pushed on to be released.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buffa (GB 2104952) in view of Thomas (US 4540218).

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Buffa (figures 4-6) teaches a fitting inherently usable for securing a tether to a harness by securing the second part 11 to the tether and the first part including the stalk 12 capable of being secured to a harness wherein a plurality of locking members in the form of cylinders 16 in the first part can be received in recesses or apertures 15 in the second part. There is a locking element 22 biased by the springs 21 to urge each locking member 16 into a recess or aperture 15 when in the locking position but to allow each locking member to move out of the aperture or recess 15 when in the release position. The difference is that the second part is formed by a loop, not a hook. It would have been obvious to modify the fastener of Buffa so that a hook is used to secure the strap rather than a loop in view of Thomas (figure 4) suggesting a releasable hook forming the recess 32, 34 for such a purpose.

Conclusion

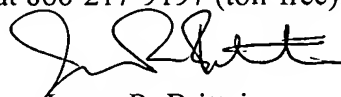
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents of Hopka et al. (US 3473201), McCoy (US 4452161), McKenney (US 4378614), Matson (US 4140205), Carn (US 4112865), Gipson (US 6640397), and Zoor (DE 2930598) teach pertinent fastener structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain
Primary Examiner
Art Unit 3677

JRB